

## **Introduction to Government 2301**

In this section you'll be introduced to the basic principles of government and politics. This will include basic terms and definitions. The purpose will be to familiarize you with the vocabulary we will use over this semester so that the rest of the readings will make more sense to you.

The subjects we cover in this class are the evolution of natural rights and their articulation in the Declaration of Independence; the basic design of the U.S. and Texas Constitution and the political environment that influenced that design; the nature of civil liberties and civil rights and the manner in which each is articulated in - respectively - the Bill of Rights and the Equal Protection Clause of the 14th Amendment; Elections and Political Parties; and the participatory rights that flourish due to the freedom of speech, press and assembly carved out in the First Amendment, these include the right to hold independent opinions, the existence of an autonomous media, interest groups, and the right to lobby.

We will not digging into the specifics of the three branches of government - the legislature, the executive and the judicial. These we save for GOVT 2302. it builds off what we discuss in this class, so doing well here should set you up for doing well there.

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Before we begin, you might have asked yourself a reasonable question: Why is it important to know this stuff? Why is this a required class? The Texas Legislature made a conscious decision some time ago to force every student that wants a degree from a state supported college or university to take these two classes, so there has to be a reason - one assumes.

An understanding of government and politics is not only argued to be central to broad education, but it is you are citizens in a democratic republic and are therefore the bedrock upon which government rests. Democratic republics are based on the people and its actions are the culmination of the preferences of the population. This is expressed in many ways, for example, when individuals choose to follow or not follow the laws, pay taxes, in protecting the republic when threatened, or in deciding to participate in public events like elections.

An educated, participatory and virtuous citizenry has always been considered to be necessary to the survival of a democratic republic. Why? Because democratic republics are fragile. History provides many examples of them losing public support and falling into anarchy and then despotism - ancient Greece and Rome were two examples, as was Britain's brief experiment with republican government during the commonwealth.

As we will see, the nation's founders were by and large classically educated - even if they were self-educated - and were familiar with history. They were aware that after almost 500 years as a [Republic](#) (509 BC–27 BC), where it was ruled by its citizens (specifically by representatives selected by citizens), Rome became an [empire](#) where all power rested in the hands of a single ruler (the definition of tyranny we will learn soon enough). Over the years Rome grew lazy, corrupt, and chaotic - we are told - and was ripe for a takeover given the right circumstances and the right person.

That person turned out to be [Julius Caesar](#), who attempted to turn the republic into an empire under his control. He failed because he was [assassinated](#) by the Senate as he walked in to begin a series of measures designed to remove the Senate's powers and transfer them to him - he held the post of dictator at the time. You're likely familiar with the story. Now you know why he was killed. But where he failed, his nephew [Augustus Caesar](#) would succeed, and the Republic crumbled into empire. The fear that a republic - the American Republic for example - would fall into chaos and tyranny is omnipresent. And history gives an example why. Members of the founding generation wished to avoid this fate.

Benjamin Franklin is alleged to have put it this way when asked by a woman what he and the other delegates at the Constitutional Convention created over the summer of 1787:

*Mrs. Powel: "Well Doctor, what have we got, a republic or a monarchy?"  
Benjamin Franklin: "A republic if you can keep it"*

We also see traces of this suspicion - that the republic is a temporary thing - in Abraham Lincoln's Gettysburg Address:

*"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in Liberty, and dedicated to the proposition that all*

*men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation, so conceived and so dedicated, can long endure. ..."*

It is worth considering why this type of government is difficult to maintain. One culprit could be human nature. A democratic republic can only be maintained if the people are willing to look after its general long term needs. John Adams put it this way: "[Public virtue](#) cannot exist in a nation without private, and public virtue is the only foundation of republics."

The problem with Adam's statement is that people rarely act virtuously. This might make us question the very feasibility of self-government. People tend to be more focused on short term personal wants rather than the long term needs of the whole. A whole range of human traits seem to work against a permanent ongoing democratic system: we are prone to corruption and violate laws; we are ambitious to varying degrees and are generally uninterested in limits on our power; we can become very complacent if we have material needs satisfied and can then ignore troublesome events around us; and we are inclined to group into factions and focus primarily on the benefits of the group rather than the interests of the nation. There is considerable debate about whether these factors are unchanging features of our very being, or something that can be altered. As we will see in future sections, James Madison will argue that the design of the constitution is based on the premise that these tendencies cannot be changed, so the design of the Constitution must contain these negative impulses, even use them against themselves.

A constitutional republic actually compounds these problems because it curtails the ability of a government to put limits on the actions of the individual. People are free to engage in the activities that can lead to the demise of a republic by making it unmanageable, chaotic and subject to the will of the majority. These actions are familiar to us all. They include speaking freely, using the press to broadcast our opinions, organizing people for our own interests, among many others. Totalitarian systems do not have to worry about internal disputes though they have other problems to tend to (we hit these below).

American Government is founded, in a sense, on a contradiction. While it is based on the people (popular sovereignty) historically the people have demonstrated themselves not to be a solid foundation for government. At

least the elites (the people who wrote the Constitution) thought so. As a consequence, the country's founders did not necessarily expect the republic to last. Previous republics had not. One of history's lessons is that democracies tend to be very short lived, that is, if they are closely connected with the general population. Here's a brutal quote from Alexander Hamilton (writing – perhaps tellingly – as Caesar) making that point:

*“For my part, I am not much attached to the majesty of the multitude, and therefore waive all pretensions (founded on such conduct), to their countenance. I consider them in general as very ill qualified to judge for themselves what government will best suit their peculiar situations; nor is this to be wondered at. The science of government is not easily understood. Cato will admit, I presume, that men of good education and deep reflection, only, are judges of the form of a government; whether it is constituted on such principles as will restrain arbitrary power, on the one hand, and equal to the exclusion of corruption and the destruction of licentiousness on the other”*

So it is worth considering whether self government is possible. People often speak of the "American experiment," which can have a variety of meanings, but the idea that a nation can safely and stably rest on the general population is a central one. Hamilton is stating that he is suspicious that the general population is up to the task. In the opening essay of the Federalist Papers, he frames the issue like this:

*“It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.”*

Are people capable of making a rational choice for a governing system that will work effectively or will they decide to not decide, meaning that a system is likely to be imposed upon them? He does not answer the question. He simply suggests that the answer will be obvious depending upon whether the Constitution was adopted. We might add that this applies to our decision to preserve or distort the constitutional order. Hamilton's question is biased of course. He is slanting it such that the correct decision is the

decision to ratify, but he is arguing that it is the educated decision. In the former quote Hamilton argues that the judgment about what is a proper form of government should be reserved to "men of good education and deep reflection." A proper education is therefore central to the establishment and maintenance of a republic. Suffrage, presumably should be restricted to the educated, and if that means that suffrage is limited to a small subsection of the general population, so be it.

The uneducated, consequently, have not always been provided a solid basis for government. What's worse, they can provide instead a solid basis instead for oppressive governments. Often a would be rulers will attempt to first gain the support of the people and focus opposition on any other elite challengers. Julius Caesar had the support of the people in his struggle against the Roman Senate. Later emperors knew how to retain their support as well. The term "[Bread and Circuses](#)" refers to the superficial entertainments that rulers can offer the general population that they accept implicitly in exchange for giving up public participation. The American elite were concerned that the support of the people could be bought. John Jay stated that those who own America ought to govern it as they would be in a better position to resist the temptation to sell their participatory rights. This explains why participatory rights were so severely limited in the early years of the republic.

But as we know, participation has broadened and the nation has grown considerably since the founding. This expansion has been facilitated by a comprehensive system of public education that has introduced citizens to principles of self government and put them in a position where they can govern themselves. The driving force behind this expansion of participation was Thomas Jefferson who was an early proponent of public education and proposed a law in 1778 to the state of Virginia - unsuccessfully - to create a creating such a system. It was titled [the Bill for the more General Diffusion of Knowledge](#). Here is a quote from the Bill's [Preamble](#):

*Whereas it appeareth that however certain forms of government are better calculated than others to protect individuals in the free exercise of their natural rights, and are at the same time themselves better guarded against degeneracy, yet experience hath shewn, that even under the best forms, those entrusted with power have, in time, and by slow operations, perverted it into tyranny; and it is believed that the most effectual means of preventing this would be, to illuminate, as far as practicable, the minds of*

*the people at large, and more especially to give them knowledge of those facts, which history exhibiteth, that, possessed thereby of the experience of other ages and countries, they may be enabled to know ambition under all its shapes, and prompt to exert their natural powers to defeat its purposes.*  
.. "

This was written two years after the Declaration of Independence and is phrased in such a way that education becomes one of the principle mechanisms available to people to secure the pursuit of happiness. Jefferson saw a direct link between [literacy, citizenship and self government](#). Jefferson would become a driving force behind the [Northwest Ordinance](#) which stipulated the rules for the creation of new states out of the land just west of New York and Pennsylvania. The law contained a section dealing specifically - if vaguely - with schools:

*Art. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.*

By the time the Americans began moving to the Mexican state of Texas, the idea of public education - and its relationship with self government - was made explicit in the Texas Declaration of Independence. Among the grievances cited against the Mexican government was the following:

*It [the Mexican Government] has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain,) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self government.*

Note the last part of the grievance. If the government is to rest on the consent of the governed, it is best that the people are made fit to offer educated consent.

And that's why you have to take two government class in order to get your degree.

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Let's now begin by looking at key terms and concepts. Given the subject of this class, we ought to focus on defining "government" and then a related

term "politics." The two terms are often confused, but they are distinct and I think it's best to separate them as much as possible. "Government" refers to the institutions that possess the authority to rule, "politics" refers to the efforts to influence what those rules will look like.

A variety of definitions are often used to define the word [government](#). Here are five:

- The act of governing; the exercise of authority; the administration of laws; control; direction; regulation; as, civil, church, or family government.
- A government is the body within an [organization](#) that has the [authority](#) to make and enforce rules, [laws](#) and regulation.
- The institution with the monopoly on the legitimate use of coercion in society.
- the political direction and control exercised over the actions of the members, citizens, or inhabitants of communities, societies, and states; direction of the affairs of a state, community, etc.; political administration: *Government is necessary to the existence of civilized society.*
- the institutions and procedures through which a land and its people are ruled.

A variety of concepts and terms are central to the definition. These include institutions, procedures, authority, laws, land and people. The governing institutions in the United States are the legislative, executive and judicial branches. These are the venues where people who are elected or appointed by the appropriate people come to either make, implement, or interpret the law. Within each of these institutions are certain procedures for how things are conducted. These procedures include the need for a police officer to have "probable cause" before searching someone, or the ability of a small number of Senators to filibuster a piece of legislation, or the ability of the Supreme Court to declare that a law violates the Constitution. When government makes a decision, it is authoritative. It can be applied corrosively if necessary.

Everything government does revolves around the idea that it is either making, enforcing, or interpreting law. But as with defining "government," defining "law" can be difficult as well. The terms can be slippery. Hard and fast definitions of the term that are acceptable to everyone are impossible to find. For our purposes, we can distinguish between statutory, common, and constitutional law. Statutory law refers to acts of Congress, or any



other legislative body. Common law refers to the body of legal code, based on the decisions made by judges over the centuries that has developed over the course of British and American history. Constitutional law refers to those produces and stipulations that are written in the U.S. Constitution.

As we will discover below, American government is "constitutional" meaning that its basic powers and institutions are outlined in a written document. The American Constitution, again as we will discuss more below, also details its limitations. These include limitations on the government's ability to curtail political participation, which in turn leads to the development of a vibrant political sector, in addition to economic and social institutions, that also become involved in the political process. As with "government," the term "[politics](#)" has various meanings:

Here five pulled from various sources:

- The authoritarian allocation of values in society
- The struggle over who gets what
- Intrigue or maneuvering within a political unit or group in order to gain control or power
- The total complex of relations between people living in society
- A strife of interests masquerading as a contest of principles. The conduct of public affairs for private advantage.

Contrast these with the definitions of government at the top of the page. While "government" refers to those who have authority over law, "politics" refers to the efforts to influence what that law looks like, who it benefits, who its hurts and how. Politics is essentially about conflict in society and how it is resolved. Political disputes tend to fall into two classes; the first involves interests and the second, values.

Interests tend to be material. Who has a material stake in a particular issue and what side are they on? If we consider the benefits in society to be zero sum, then one persons gains are an others loss. Tax increases, governmental regulations, federal subsidies all benefit one side and harm another. This has been true throughout American history, the fight over the ratification of the Constitution itself pit those who benefited from state power on one side and those who stood to benefit from national power on the other.



Values tend to be moral, and generally concern equality and liberty. Areas of conflict include how ought society be structured. Who ought to be able to participate in government? What actions should individuals be able to do, and what should be made illegal? Should government be a vehicle for maximizing the general well-being of each individual in society or should it simply stick to providing basic services?

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## **Sovereignty**

An important concept underlying the authority of government is [“sovereignty”](#) The term can be defined as follows:

- supreme power, especially over a body politic
- the quality of having supreme, independent authority over a territory
- the power to do everything in a state without accountability

Over the bulk of human history sovereignty has been possessed by whoever has the power to control it. In the United States, or in any other republic or democracy, sovereignty rests with the people, who then consent to the formation of a government that they then delegate that sovereignty to for the management of the state. This creates tension, one that plays itself out regularly in the political process. Do the people always retain sole possession of sovereignty and can they then restrict the operations of government at any time? Or is their sovereignty - under the existing Constitution - restricted to the occasional opportunity to vote for Representatives, Senators and Presidents?

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## **The Essential Components of Government: A Means of Coercion and a Means of Collecting Revenue**

Key Terms: Military, Police, Conscription, Taxation, Revenue

The definitions above suggest that there are a variety of components to government. This can certainly be the case. The decentralized American system, has three branches, 50 state and thousands of local governments. Over the course of American history the functions of government have grown complex, but there are only two institutions that are necessary in a government.

The first is a means for coercing people to follow the law, which can be a military or police force, or some type of militia. Governments cannot achieve its goals -- whether we consider it to be legitimate or illegitimate -- if they lack the ability to compel people to follow its laws, or to perform certain services like obtain a drivers license or submit to [conscription](#). In fact laws are often meaningless if they are not enforced. We tend to not obey speed limits voluntarily.

The second is a means for collecting revenue, generally by imposing some type of tax, tariff or fee. This is necessarily of course to earn the revenue needed to obtain the mechanisms necessary to coerce people to follow the law, so there's a circular element to these two components. It's worth noting that opposition to taxes tend to be one of the more effective political rallying cries in American history. It would not be an overstatement to say that the country was founded by [an anti-tax movement](#), so the proper design of [taxation](#) systems have been a challenge ever since.

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## **The Origins of Government.**

Key Terms: Coercion, Consent.

How did governments emerge? What factors drove their creation? This is a tough question, one that pits historical explanations against theoretical ones. History tells a brutal story, one based on [coercion](#). People are coerced into a governing system by a more powerful force. They are conquered by the Romans or Egyptians or Persians or whomever. A conquered people is often subjugated, so a system of government based solely on coercion tends to also stratify people into classes. Some are the permanent ruling class, while others are obliged to follow the laws imposed on them by the ruling class. See [feudalism](#) for an example. Philosophical systems are sometimes developed to justify these hierarchical structures. Plato's [noble lie](#) is an example.

More recently, at least in a historical sense, governments have been argued to have developed on [consent](#), or at least the claim is that this is the most legitimate way to develop a government. This argument is often dated to the works of John Locke who hypothesized that a state of nature -- a world without government -- where people have full right to life, liberty and property would also be dangerous. It is one thing to have a right to

something, it is another thing to secure that right. In order to do so, rational individuals would consent to form an organization -- a government -- to that end. The concept of consent differs substantively from that of coercion since it rests on the idea that each individual is in a position to offer consent, that is, they are equal to a large degree. We explore Locke's ideas more fully in the following section.

Some additional readings:

- Woodrow Wilson: [The Earliest Forms of Government](#).
- [Some background from Pericles Press](#).
- David Hume: [Of the Origins of Government](#).

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## **The Difference Between Autocratic, Oligarchic, and Democratic Government.**

Key Terms: Sovereignty, Autocracy, Oligarchy, Democracy

Governments tend to fall into three categories depending upon where sovereign power is located. The term [sovereignty](#) refers to the supreme political power and specifically where in fact it can be found in a political order. In an [autocratic](#) system, sovereignty is located in a single individual, in an [oligarchy](#), in a small handful of well placed people, while in a [democracy](#), it rests with the people. A word on the concept is important before we proceed. While the concept of sovereignty seems straight forward, it has a peculiar twist in a constitutional system, based on the people, with representative institutions that claim their authority comes from the fact that it was delegated to them by the people. Has sovereignty been transferred from the people to the representatives? In our constitutional system, is sovereignty still vested in the people, or was it granted to the people's house (the Congress) which acts for the benefit of the people and is subject to removal, through elections, by them? Perhaps sovereignty rests somewhere between the two? It's a theoretical point to be sure, but played a role in the late 19th century when questions were raised about what a city was. Some argued that since these were population centers populated by individuals with unalienable rights, they were discreet autonomous units whose authority rested on popular sovereignty. But this position lost out to the idea that cities existed, as legal entities -- meaning they can create and enforce their own laws -- by a specific grant of the

state they resided in. There's more on this point later.

Autocracies can take different forms, but they all share the common characteristic that one person holds all power. The term [dictator](#) is commonly used and has a history dating back to Ancient Rome. In the [Roman Constitution](#), a provision existed that during times of crisis, an [individual could be vested with unlimited power](#) for a brief period of time in order to consolidate the resources and decision-making necessary to confront the crisis. One of these dictators, [Cincinnatus](#), actually developed a good reputation over history because he gave up power after completing his appointed objectives. Centuries later, Washington would be held up as a modern day Cincinnatus because he refused to allow himself to be appointed as a monarch after the end of the revolutionary war as was, and still is the custom. On the other hand, another Roman -- [Julius Caesar](#) -- used the position to leverage for greater power, a move which led to the end of the Roman Republic and the establishment of the Roman Empire. The comparison between these two people helps point out the pros and cons of autocratic systems. Their advantage is the efficiency they offer a capable, virtuous leader to govern effectively, but the disadvantage is the opportunity it provides an ambitious person to rule arbitrarily, and despotically.

Oligarchies also have long histories, and are generally societies that are run by some type of elite. Their position may be due to birth, or wealth, or by having a privileged position in a religious or bureaucratic institution. [Aristocratic](#) systems, such as the British system which American government evolved from, are based on birthright. Being a member of the aristocracy brought with it certain privileges, a guaranteed seat in a governing institution (the House of Lords) for example. The term oligarchy refers to a broad range of systems that have different means of determining who the elites in society were, and giving them special status on the assumption that they could rule society better than the common folk. The use of property ownership as a criteria for voting in the early years of the United States was based on the belief that those that owned America were best able to govern it. To be wealthy was a sign of ability, and why not allow them to rule? The concept of a [meritocracy](#) is related to this. One of the deep seated beliefs Americans have is that we all have an equal opportunity to succeed, which means that those who climb to the top deserve their positions. The knowledge and expertise these people bring to a governing system ensures that it will be well run. But the flip side is that

those in positions of authority who can craft society's rules can design them to their own advantage. Those who have the gold make the rules, as the saying goes. So oligarchies can introduce bias in society. This distorts the concept of equal opportunity. Perhaps some have a greater advantage in where they start out in society and do not have to truly prove their abilities.

Democracies also have long histories, dating back at least to [ancient Athens](#). The difference between a [democracy](#) and the previous two forms of government is that it allows the governed to rule themselves. As we know, the concept of self government lies at the heart of the American governing system and is tightly adhered to by the general public. The advantage of democracy is that people will be more likely to consider the governing system legitimate if they see themselves as being able to influence it. Rather than being coerced by an autocratic or oligarchic elite, the people will be more likely to consent to being governed because if they do not like the nature of the system, they can change it. Both the Roman Republic and the British system, despite their oligarchic natures, allowed for non elites to control a governing institution in order to help keep the peace. In Rome it was the [Plebeian Council](#) while in Britain it was, and till is, the [House of Commons](#). Without the ability to influence the course of events from the inside, the people have no choice to do so from the outside through protest, riots, and revolution. But it is this aspect of mass behavior which gave democracy a bad reputation. Rather than rule by a thoughtful educated elite, rule would be based upon an [uneducated mob](#). Reason would no longer prevail, only muscle threats and intimidation. Policies would not be based on cool deliberation designed to guarantee long term effectiveness, but on passionate desire for short term satisfaction.

Additional Info:

- Parade Magazine: [The Ten Worst Dictators](#).
- Wikipedia: [The Iron Law of Oligarchy](#).

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**The Manner in Which Each is Contained in the American System: America is an Autocracy, Oligarchy and Democracy all Wrapped in One.**

Key Terms: Legislature, Executive, Judiciary.

If you were keeping score, you would have noted that each of the systems

outlined above have advantages and disadvantages. We all want a government that is efficient and effective, knowledgeable, and legitimate. But there is no one way to ensure that you get them all. Each of the systems above that have these advantages, also have disadvantages and can lead to governments that are arbitrary in their actions, biased in their rule-making, and prone to mobish, passionate violence. So what to do about this?

This provides an opportunity to introduce ahead of time the three branches of government -- the separated powers -- and the mechanism which keeps them separated -- the checks and balances. The philosophers tell us that there are three distinct things that governments do, they make laws, they implement laws and they interpret laws. These powers, in the hands of one person, group or institution, can lead to tyranny. They must be separated into distinct institutions. In the American Constitution -- as well as the state constitutions and local charters -- this is accomplished by vesting these three powers in legislative, executive and judicial branches. In order to ensure that they stay separated, each is given the power to check the power of the other two, which means that the power of each is also checked by those two as well. This is what allows the benefits of autocratic, oligarchic and democratic systems to be incorporated into the government, while allowing harms of each to be checked.

The executive branch is autocratic by design. Since it is the branch that carries out the law, is clearly the branch that benefits from an autocratic design. In the United States, there is only one person on top of the executive branch. Once a decision has been made to do something, it is helpful to give it to one person to do it, if it is to be done well. But since this can lead to the arbitrary use of power, it is wise to have a legislative branch that can provide oversight over the actions of the executive and a judiciary that can determine if the executive has violated Constitutional rules while executing the laws.

The judicial branch is the oligarchic branch. It interprets the law and is the one that most benefits from learned members. It is the only one singled out in the Federalist Papers as requiring members with qualifications, presumably meaning training in the law. The appointment and confirmation process, backed up by lifetime tenure, is designed to free judges to make decisions removed from popular, short term, pressures that may say more about the politics of the moment rather than a cool sober approach to the

law. This can potentially lead to bias in its decisions however, which is why the legislature is often in a position to rewrite legislation, signed by the president, that it believes was in error.

The legislative branch is the democratic branch. Since it is the branch which writes the laws, must be connected closely to the people, especially in regard to taxation. The House of Representatives especially is designed to be closely connected to the people, with direct elections and two year terms of service, so that they can be quickly controlled by the general population if they veer to far in one direction or another. This can make them legitimate in the eyes of the population. But since this can lead to unruliness, and ineffectiveness, their actions are tempered by the other institutions. The Senate, for example, was originally elected by state legislatures, and Senators served for six year overlapping terms. Since they have to approve of any law passed by the House before it goes forward, they can check the more "mobish" tendencies of the House. As can the president who has the power to veto laws sent to him.

The governing system in Texas, while it is similar to the American system, differs from it in some significant ways. The description above can apply to Texas as well. There are significant differences however that can be traced to the general desire on the part of the framers of the Texas Constitution to limit the power of government far beyond what the framers of the U.S. Constitution sought to accomplish. Briefly put, this was accomplished by establishing an amateur legislature, a plural executive, and an elected judiciary.

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## **The Definition of Democracy.**

Key Terms: majoritarianism, rights, suffrage.

Since America calls itself a democracy, it is worth investigating what in fact a democracy is. As stated above, the term democracy comes from the Greek word which translates roughly as rule by the people. At its simplest, that means the majority rules. But this creates problems for governance because a passionate majority -- the mob -- can be as oppressive as any autocrat or oligarchy. An unrestrained majority can easily trample the rights of an unpopular minority or individual (this is a point we will hammer on when we cover Federalist #10). In addition, the term does not clarify exactly what the phrase "the people" refers to. The entire population perhaps, or



maybe simply a small portion of it. Currently we expect that a democracy fulfills the following three conditions:

- Majority Rule
- Minority Rights
- Universal Suffrage

Yes the majority rules, but it must be limited in order to ensure that the minority has certain rights. In other words, there are certain decisions that are beyond the scope of public decision making. That what it means to have rights, but it creates a conflict. When we discuss the Declaration of Independence, we will pour over the concept of the unalienable rights to (among other things) "life, liberty and the pursuit of happiness." This is [classic liberalism](#), and rests on the idea that the individual and the state are separate, and the state exists to protect the rights of the individual. But in a democracy, the will of government is the embodiment of the will of the people, In a strict sense, if a democracy wants to place limits on individual liberty, it is free to do so since that is the will of the people. If it wants to impose a religious belief, or restrict certain people's access to the courts, it can do so. But this violates the concept of individual liberty. You can see the dilemma.

Resolving the dilemma was a key concern of the authors of the Constitution. How do you retain the spirit of democracy while protecting individual liberties? The solution was to establish, instead of a direct democracy, and indirect democracy, or a republic. We will go further into this subject later, but think of a direct democracy as the ability of the general population to directly control the actions of government, while a republic places representative institutions between the people and government. The intent is that any sudden fit of passion -- any mobish inclination -- will be checked and policy will be established in a slower, more thoughtful manner.

The third criteria, universal suffrage, requires that all competent adults should be able to vote. This was hardly the case in early America. Suffrage has expanded slowly and fitfully over the course of American history.

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## **The Difference between Totalitarian, Authoritarian and Constitutional Governments.**

Key Terms: Freedom, the State, Totalitarianism, Authoritarianism, Constitutionalism.

As with the description of autocracy, oligarchy and democracy above, the difference between totalitarian, authoritarian and constitutional government is based on a simple question: How much freedom do people have from government?

In [totalitarian](#) systems, the answer is simple. None. Generally the people in these systems are considered subjects of government. The rule of the state is absolute and government regulates all aspects of the lives of individuals. Society is generally structured along a dominant ideology and all institutions, especially educational, media and political institutions, are dominated by the state and opposition is outlawed. Military and police forces are pervasive, as is intelligence collection to root out enemies of the state. [Communist](#) and [fascist](#) governments tend to take this form. Stalin's Soviet Union and the communist countries of Eastern Europe.

[Authoritarian](#) governments are similar to totalitarian governments, but do not have the same degree of pervasive control over the population. Sometimes this is due to circumstance. Authoritarian countries are sometimes in a position where they have to share power with some internal or external force which limits its ability to expand its power further. The military regimes in Chile and Argentina in the 1980s were limited, for example, by the Catholic Church. The degree of freedom in authoritarian governments is greater than in totalitarian systems, and in fact can be quite expansive, providing that the people do not use their freedoms in political ways. The recent crackdown of protesters in Iraq is an example.

Constitutional systems are based on the idea that people are distinct entities from government, and that the relationship between the two systems reflects a contract entered into by the two where the government exists to secure the rights of the people. A constitution is a written manifestation of this agreement and defines the obligations of government, how it will conduct business, and what specific limits exist on its powers.

Additional Reading:|

- Wikipedia: [Limited Government](#).

- Wikipedia: [Constitutions](#).
- Freedom House: [Map of Freedom in the World 2009](#).

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## **The Justification for, and Consequences of, Individual Liberty.**

In America, we tend to think of freedom as a virtue without necessarily coming to grips with why this is so. The principle philosophical source of the modern conception of liberty is John Locke. He did not originate the idea, but his expression of it was vitally important to the American revolution. We will cover him, his ideas and how they influenced the American system in the following section. But it is also worth considering whether there are material benefits to being free as well. It turns out that there are. The two links below take you to lists of countries based on per capita Gross Domestic Product, and a variety of indexes of freedom.

- [List of Countries by projected GDP per Capita](#).
- [List of Indexes of Freedom](#).

Glancing through the lists you can detect a pattern. Countries that are not free, also have low levels of per capita GDP. This makes sense if you think about it. If a regime is willing to allow individuals the economic freedom to become wealthy, they can also become political threats. In order to stay in charge, it may be necessary to keep the general population in poverty, isolated from the rest of the world. The general story is that the bulk of the expenditures of unfree countries are spent on the whatever is necessary to keep the population in submission. In order to allow individuals the freedom to prosper, or to challenge orthodox belief, an existing regime has to have the courage to allow itself to be challenged. Few are willing to do so, though there are material benefits if the challenge is allowed to go forward.

One historical example is [Galileo Galilee](#), the person credited with developing the concept of modern science. He spent the last ten years of his life under house arrest for challenging the orthodox position held by the Catholic Church that the Earth was in the center of the cosmos and all the planets, suns and stars revolved around it. The geocentric view was based on religious dogma and mandated by government. The heliocentric view was based on scientific observation, but eventually condemned by government. The problem was that the former was wrong and the later was

right, as would eventually be generally accepted. The church's mandate however interrupted the ability of scientific investigation to go forward. An accurate understanding of the natural and physical world would be impossible to develop without the freedom to challenge dogma.

Two centuries later, this idea would be expressed more clearly by [John Stuart Mill](#), in his book [On Liberty](#). Progress, he states, is impossible without the ability of people to fully express their opinions, meaning that they are free from the imposition of opinion by government, or other outside forces. The primary goal ought to be to ensure that discourse rests on truth, and that truth can only be determined in a "marketplace of ideas" where various opinions can come into conflict. To say that an idea is orthodox, or dogmatic, is to say that it can't be challenged. But what if it is wrong, as was the geocentric view of the universe? To allow orthodox opinion to be challenged provides an opportunity for error to be replaced with truth. But even if the orthodox belief proves to be true, allowing it be challenged provides an opportunity for people to reexamine their opinions, to revisit why they think they way they do so they have actual knowledge of the subject and are not simply repeating the same statements over and over without understanding what they mean. Free discourse on ideas leads to the development of a more rational populace.

Mills' argument focuses primarily on political freedom, but a similar argument was made in favor of economic freedom by [Adam Smith](#), in his 1776 work [An Inquiry into the Causes of the Wealth of Nations](#). In brief, Smith argues that without the heavy hand of government, markets become efficient and more productive. Instead of one central authority making decisions about what should be produced and how, the interplay within the marketplace should make that determination. Competition among various producers for the patronage of consumers would produce the most appropriate products, at the optimal price, as if "led by an invisible hand." Same thing with the production of goods. Rather than allow government to determine how goods ought to be provided, individual producers should be free to do so. He describes an assembly line in a pin making factory that uses unskilled labor to produce far more pins, section by section, than skilled laborers making pins separately could. Economic freedom led to greater productivity, and greater wealth in society. Smith did not argue against all governmental intervention, he was convinced that business people could not meet without eventually colluding to fix process, but the economic system should be as free from restraint as possible.

An interesting consequence of Smith's ideas is its impact on the development of democracies. Smith, in many ways, was describing events that had evolved over the course of British history. For many centuries prior to his writings, certain productive urban areas (most notably London), were given a degree of economic freedom. They had "ancient rights and liberties" which protected them from arbitrary actions of the monarch, as long as they did not interfere excessively with the monarch's political prerogatives. Political life was dominated by the monarch, and in the House of Lords, by the nobility and church officials. But economic freedom allowed for the development of a wealthy merchant class from the commoners. Eventually they would be able to have a special institution created where their grievances could be expressed, which came to be known as the House of Commons. Finally the influence of both the monarch and the House of Lords would wane, and the House of Commons would be the dominant political entity in Great Britain. The lesson is that economic freedom can lead to, and may be a necessary pre-condition for political freedom.

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## **The Nature of Political Institutions.**

I'll conclude this section with an overview of the types of political institutions that exist in the United States. This also provides a preview of some of the chapters we will cover later this semester. A point of clarity is in order first. I reserve the term "government" to refer to the institutions that have the actual authority to make, execute, or interpret the laws. This means the legislative, executive and judicial institutions established in the Constitution. Political institutions are those that attempt to influence those institutions. There are three types: political parties, interest groups and the media.

A political party can be defined as a group of people who organize politically in order to compete in elections and control a governments institutions.

An interest group is also a group of people who organize politically, but they do not compete for political office themselves. They simply seek to influence those who occupy political office.

The media, or the press, can be defined as those who seek to provide information to the mass public about political, governmental and other matters.

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## **What is Politics?**

I offered a handful of definitions for "politics" above including the following:

- Conflict over the authoritative allocation of values in society.
- The struggle over who gets what when and how.
- Intrigue or maneuvering within a political unit or group in order to gain control or power

I also noted that politics is almost inevitably about conflict over values and interests. "Values" can be loosely defined as a sense of what is right and wrong, and whether a government has the authority or need to address a particular problem. "Interests" can be also loosely defined as the tangible benefits one receives from government. This can be in the form of an entitlement, a business contract, a tax subsidy or any of many other forms.

These two factors coupled with the freedom people have in the United States to participate politically - to speak freely, distribute information through the press, form groups and petition government for grievances - has led to the development of a vibrant political sphere.

Key examples of political institutions include political parties, interest groups, lobbying organizations, and the media, along with an increasingly complex group of consultants and advisers. We spend more time later in the semester on each of these, but here are brief descriptions of three of these institutions:

**Political Party:** A group of individuals that have organized around shared political principles with the intent of winning elections to governmental office and organizing governing institutions once in power

Interest Group: an organization organized to represent a specific interest in society to governing officials. Interest groups can be involved in the elections, and bill making process. They do not compete in elections, but they do get involved in elections so that they have the best chance to influence those who do hold positions in the legislative, executive and judicial branches.

The Press: Specifically the term is taken to refer to the mechanisms that allow information to be distributed to the general population. These mechanisms tend to be owned and operated by individuals and corporations in the private sector who use this information to seek profit. Collectively these businesses are referred to as "the media."

Each are external forces that influence the nature of governing decisions. They often allow those not in power to have an influence on government and allows those not in power to potentially come into power.

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## Values and Interests

As stated above, values and interests are considered to be the two principle factors determining the nature of political conflict. Some political scientists focus on why people take the positions they do. We will review this literature when we cover Federalist #10 and public opinion.

### *Conflict over Values*

*Values: the ideals, customs, institutions, etc., of a society toward which the people of the group have an affective regard. These values may be positive, as cleanliness, freedom, or education, or negative, as cruelty, crime, or blasphemy. – dictionary.com*

Since the U.S. was based on a set of governing principles articulated in founding documents, certain values are held to be distinctly American, at least when they are discussed in the abstract. Most Americans support the idea of natural rights, individual liberty, equality of opportunity, and self government among many others, but political differences arise when these abstract opinions are applied to concrete reality. For example, we might all believe in the idea of equal opportunity, but disagree on what it takes to guarantee equal opportunity.



Perhaps more interestingly, some of these values can be in conflict. For example, the philosophers tell us that we can't be both free and equal. The factors that ensure equal opportunity and equal treatment can place limits on individual liberty. At some point one has to make a choice between the two. Which is more important when they come into conflict?

The same holds true for individualism and communitarianism. we like the idea that we are free to live our lives as we see fit, but we also seem to think that strong communities are important. But the fact that one lives in community requires that one accept limits on their individual freedom.

Disputes over values have led to the development of broad ideological movements organized around these disputes. As we will cover below, the simple way to define the difference between political conservatives and liberals is that the former prioritize freedom over liberty while the latter does the opposite.

### *Conflict over Interests*

Interests: *regard for one's own advantage or profit; self-interest: The partnership dissolved because of their conflicting interests.* – dictionary.com

This is a topic we will cover in depth in our section on Federalist #10. According to James Madison, conflict over interests are an inevitable consequence of not only liberty, but life in a civilized society. This oversimplifies his point, but in a free society, and groups will always form around those interests. He called these groups factions. We call them interest groups. Factions, he argued, are one of the factors that leads to the decay of republics because they lead not only to chaos, but can also lead to the creation of tyrannical majorities.

Here is extended quote that outlines what he sees as the being the sources of opinions:

*As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his*

*passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.*

*. . . . A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.*

In brief, he sees opinions as emerging from faulty reasoning coupled with ego, the differing capabilities of people, and the fact that different people have different interests and their positions on different issues will ultimately be determined by how those policies will impact their interests. As we will see, the framers of the constitution took these factors into consideration and used the constitution's design as a way to condition how these groups affect governance. But for now, it tells us how political forces come together and form groups. This helps us understand the factors driving political parties and interest groups. It also helps us come to terms with the concept of political ideology, one of the major forces driving politics in the United States.

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## **Political Ideology**

Political Ideologies have evolved as ways to make sense of the political world, and do so in a way that allows them to take positions on issues based on the values they hold. In fact an ideology can be defined as *a set of positions on issues that are based on a fundamental value*. The two dominant ideologies in contemporary politics are Conservatism and Liberalism. While each has its complexities, here is a thumbnail description of each:

## Conservatism

- Historically based on support for tradition, the status quo, and the preservation of privilege
- More recently also focused on individual liberty
- Private solutions preferred over public solutions.
- Smaller - local - levels of government preferred over larger
- Most important historical figure: Edmund Burke

## Liberalism

- Historically oriented towards reform and the liberation of lower classes.
- More recently focused also on equality.
- Support for anti-poverty and civil rights policies.
- Tends to prefer governmental solutions over private sector solutions since they are more likely to provide services equitably.

Neither is thoroughly cohesive. Disputes exist within each. Few people are completely conservative or completely liberal. Most people in the United States call themselves moderate, rather than liberal or conservative. In case you're interested. many websites exist that allow you to take surveys to figure out what your ideological position might be. [Here's one, take it.](#) You might be surprised by the result.

Here's a brief overview of differences between the conservative and liberal positions on different topical issues:

Gay Marriage: Conservatives argue that traditional relationships (think: heterosexual marriage) provide stability for a society and that these should not be radically changed. Liberals argue that these relationships should be modified to comply with changing morays of society.

Religion: Conservatives historically have supported the promotion of Protestantism and the display of Protestant images in public buildings, though these have been recently expanded to include Catholicism and Judaism. Liberals are more supportive of a secular approach to government (the wall of separation), restrictions of religious imagery and inclusion of Islam, Hinduism and other religions in their understanding of religion.

The Free Market: Conservatives support free markets (or more appropriately [laissez-faire](#) markets), with minimal intervention by government, except to promote and enhance the marketplace. Liberals are more willing to allow government to provide, or subsidize, certain services that would not otherwise be provided by the market, such as Social Security and Medicare.

Regulations: Conservatives argue that private industry can regulate itself and there is no need for regulatory agencies, which only suppress competition and inhibit innovation. Liberals argue that regulatory agencies are necessary to curb corruption, ensure fair, open transactions, and limit externalities like pollution.

The Military: Conservatives believe in a large military and believe the use of the military should be based on the sole interests of the United States with little regard for those of other countries (unilateralism). Liberals believe the military should be smaller, the use military power should be coordinated with other countries (multilateralism), and diplomacy and development are just as important as defense.

Civil Rights: Conservatives are usually opposed to civil rights measures since they disrupt the status quo and create opportunities for certain groups to sue for grievances. This is especially true for affirmative action. Liberals see civil rights as necessary to overcome long standing denials of equal protection.

Law Enforcement: Conservatives tend to take a hard line on law enforcement and oppose measures, even constitutional measures, that enhance the rights of criminal defendants. Liberals argue for the rights of criminal defendants and often support additional funding for public defenders.

Interpreting the Constitution: Conservatives usually argue for limited interpretations of constitutional language while liberals support loose interpretations. Looser interpretations tend to allow for additional national power.

While conservatism and liberalism tend to be the most discussed contemporary ideologies, others exist as well.

- [Libertarianism](#)
- [Socialism](#)

Blasts from the past

- [Anarchy](#)
  - [Communism](#)
  - [Fascism](#)
  - Wikipedia: [Ideology](#).
  - Wikipedia: [List of ideologies](#).
  - Wikipedia: [Conservatism](#).
  - Wikipedia: [Modern Liberalism in the United States](#).
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### **Past written assignments:**

- Below I mention the two central components of government. Using available online resources, find out which institutions have authority over these powers on the national state and local levels. How does each perform this function?
- Again, using online resources, select examples across the world of autocratic, oligarchic, and democratic systems. Look at countries other than the United States. Critically evaluate each.
- Analyze the definition of democracy and critically assess whether the United States is in fact a democracy. Provide a strong reason why it is, and an equally strong reason why it is not.
- One of the more important distinctions in politics is based on ideology, especially that between people who call themselves liberal and conservative. Select a current area of political conflict and clearly establish the liberal position and the conservative position. Explain it as best you can.
- Governments can be based on coercion, or on consent. What is the difference between these two? Give an example of governments based on coercion, and those based on consent. Use current events to give examples. Just to throw a curve ball at this, aren't all governments based on coercion?
- I argue that American government has autocratic, oligarchic, and democratic components. Again, using current events (like the oil spill etc...) provide examples of the advantages and disadvantages of each type of

system and how in fact governing institutions demonstrate each. Apply the material in the written material to actual events.

- In the written material I provide some simple distinctions between ideological view points. For the third time, use current disputes as a way to understand the how conservatives and liberals approach the same issues in different ways. You should also try to understand disputes that exist among conservatives and among liberals.